

**DECLARATION OF KAREN H. SHELTON**

I, Karen H. Shelton, hereby declare as follows:

I am an Assistant United States Attorney in the Civil Division, within the district of New Jersey. I have served in this capacity for approximately 3 years. As part of my duties I have been assigned primary responsibility for the defense of the government in Lomando v. United States, 08-4177 (FLW). I attended depositions in the matter and I am personally familiar with the files and records created in the course of litigation of the case. If called to testify, I could and would testify truthfully as follows:

Attached hereto are true and correct copies from relevant portions of the deposition testimony given in this case by Zaven Ayanian, M.D., Diana Lynn Helmer, M.D., and Timothy Sullivan, M.D.

I declare that the foregoing is true under penalty of perjury, pursuant to 28 U.S.C. § 1746. Signed by me this 22<sup>nd</sup> day of June, 2010, in Trenton, NJ.

  
KAREN H. SHELTON  
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
DOCKET NO. 3:08-CV-04177-FLW-TJB

INES LOMANDO, as Administratrix :  
Ad Prosequendum of the Estate :  
of LAURA LOMANDO, deceased :

COPY

Plaintiff(s),

v.

THE UNITED STATES OF AMERICA, :  
STEPHANIE REYNOLDS, M.D., TREVOR :  
TALBERT, M.D., DAVID HYPPOLITE, :  
M.D., PARKER FAMILY HEALTH :  
CENTER, RIVERVIEW MEDICAL :  
CENTER, EMERGENCY PHYSICIAN :  
ASSOCIATES NORTH JERSEY, P.C., :  
JOHN DOE #1 through #5, MARY MOE :  
#1 through #5 (fictitious names :  
representing unknown physicians, :  
nurses, technicians, medical :  
groups, medical facilities, :  
and/or other medical providers :  
who participated in the medical :  
care of the plaintiff), jointly, :  
severally and in the alternative :

Defendants.

DEPOSITION UNDER ORAL EXAMINATION OF  
DIANA L. HELMER, M.D.  
Camden, New Jersey  
July 10, 2009

REPORTED BY: DARLENE LOWRANCE, CSR, RPR

MAGNA LEGAL SERVICES  
Seven Penn Center  
1635 Market Street  
8th Floor  
Philadelphia, Pennsylvania 19103  
(866) 624-6221

1

- - -

2

Transcript of the deposition

3

of DIANA L. HELMER, M.D., called for Oral

4

Examination in the above-captioned

5

matter, said deposition taken pursuant to

6

Superior Court Rules of Practice and

7

Procedure by and before DARLENE LOWRANCE,

8

a Registered Certified Shorthand Reporter

9

and Registered Professional Reporter for

10

the State of New Jersey, at the U.S.

11

Attorney's Office, 401 Market Street, 4th

12

Floor, commencing at 10:00 a.m.

13

14

- - -

15

16

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19

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21

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23

24

## 1 APPEARANCES:

2

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Counsel for the Defendant

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Stephanie Reynolds, M.D.; Trevor

Talbert and Emergency Physician

21

Associates North Jersey, P.C.

22

- - -

23

24

1 APPEARANCES (Continued):

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4 GABRYSIAK

5 BY: JAMES H. MOODY, ESQ.  
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9 (732) 222-6200  
10 Counsel for the Defendant  
11 Parker Family Health Center  
12

13 RONAN, TUZZIO & GIANNONE  
14 BY: HENRY P. BUTEHORN, ESQ.  
15 One Hovchild Plaza 4000  
16 Route 66  
17 Tinton Falls, NJ 07753  
18 (732) 922-3300  
19 Counsel for the Defendant  
20 Riverview Medical Center  
21  
22  
23  
24

- - -

DIANA L. HELMER, M.D., after  
having been duly sworn, was  
examined and testified as follows:

5                                 -       -       -

6                                 EXAMINATION

8 BY MR. LENZA:

9 Q. Good morning, Dr. Helmer.  
10 My name is Anthony Lenza. I represent  
11 the plaintiff in this matter.

12                      How are you this morning?

13           A.     I'm fine.  Thanks.

14 Q. Have you ever had your  
15 deposition taken before?

16                    A.        Yes.

17 Q. I am going to ask that you  
18 follow my general ground rules. First,  
19 because the court reporter is taking down  
20 everything that we say, all of your  
21 answers need to be verbal so the court  
22 reporter can take your answers down.

23                   She can't take down nods of  
24   the head or gestures of the hand. Do you

1 U.S. attorney's office?

2 MS. SHELTON: In Trenton,  
3 New Jersey.

4 MR. LENZA: In Trenton,  
5 New Jersey. Which is what  
6 address?

7 MS. SHELTON: 402 East State  
8 Street in Trenton, 08608.

9 BY MR. LENZA:

10 Q. Doctor, are you licensed to  
11 practice medicine in the State of  
12 New Jersey?

13 A. Yes, I am.

14 Q. When were you so licensed?

15 A. I don't quite remember. In  
16 the early '80s.

17 Q. Where did you attend medical  
18 school?

19 A. Robert Wood Johnson Medical  
20 School. It was Rutgers at the time.

21 Q. Doctor, can you give me a  
22 brief history of your medical training  
23 after graduating from medical school?

24 A. Certainly. I did my

1 residency at Hahnemann University  
2 Hospital in Philadelphia between 1982 and  
3 1985. I was board certified in 1985. I  
4 practiced in private practice, general  
5 internal medicine, for about nine years.

6 I then went back to an  
7 academic setting where I did both  
8 clinical practice, teaching and some  
9 progressive administrative  
10 responsibility.

11 I spent a brief period  
12 working for an insurance company and then  
13 I became chief medical officer, vice  
14 president of medical affairs for Shore  
15 Memorial Hospital.

16 And then I started a  
17 consulting practice in which I have spent  
18 a good part of the time and also in the  
19 office seeing patients in free clinics,  
20 both at Parker Family Health Center and  
21 Riverview Medical Center.

22 Q. Doctor, what field are you  
23 board certified in?

24 A. Internal medicine.



1           Q.       When did you begin the DRD  
2 Consulting?

3           A.       In -- I believe at the end  
4 of 2004 or early 2005.

5           Q.       Are you an owner of DRD  
6 Consulting?

7           A.       Yes.

8           Q.       What does DRD Consulting do?

9           A.       We focus on leadership,  
10 strategic planning and quality, and we do  
11 some additional work in patient safety.

12          Q.       Is the consulting work for  
13 DRD Consulting based on the medical  
14 profession?

15          A.       Not entirely, no.

16                   I'm sorry. I should  
17 rephrase that. I work in healthcare, but  
18 also in non-healthcare.

19          Q.       At some point in time, you  
20 began volunteering your time at the  
21 Parker Clinic?

22          A.       That's correct.

23          Q.       What year did you begin  
24 volunteering?

## 1 CERTIFICATE

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I HEREBY CERTIFY that the  
witness was duly sworn by me and that the  
deposition is a true record of the  
testimony given by the witness.

Darlene Lowrance, a  
Federally-Approved Registered  
Professional Reporter, Certified  
Shorthand Reporter,  
Notary Public of the Commonwealth  
Of Pennsylvania  
Dated: July 24, 2009

(The foregoing certification  
of this transcript does not apply to any  
reproduction of the same by any means,  
unless under the direct control and/or  
supervision of the certifying reporter.)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

INES LOMANDO, as : CIVIL ACTION  
Administratrix Ad :  
Prosequendum of the :  
Estate of LAURA LOMANDO, :  
deceased, : NO.

v. :

: 3:08-CV-  
: 04177-FLW-  
: TJB

THE UNITED STATES OF :  
AMERICA, :  
STEPHANIE REYNOLDS, M.D., :  
TREVOR TALBERT, M.D., :  
DAVID HYPPOLITE, M.D., :  
PARKER FAMILY HEALTH :  
CENTER, RIVERVIEW MEDICAL :  
CENTER, EMERGENCY :  
PHYSICIAN ASSOCIATES :  
NORTH JERSEY, PC, :  
JOHN DOE #1 through #5, :  
MARY MOE #1 through #5 :  
(fictitious names :  
representing unknown :  
physicians, nurses, :  
technicians, medical :  
groups, medical :  
facilities and/or other :  
medical providers who :  
participated in the :  
medical care of the :  
plaintiff)m, jointly, :  
severally and in the :  
alternative. :

COPY

OCT 13 2009

August 28, 2009

(Caption Continued)

1                                Oral deposition of  
2     DR. TIMOTHY SULLIVAN, taken pursuant to  
3     notice, was held at the law offices of  
4     Martin J. McGreevy, One Industrial Way  
5     West, West Ridge Building A, Eatontown,  
6     New Jersey 07724, beginning at  
7     10:05 a.m., on the above date, before  
8     Beth Ann Sauro, a Professional Shorthand  
9     Reporter and Notary Public in and for the  
10    State of New Jersey.

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MAGNA LEGAL SERVICES

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8th Floor

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Philadelphia, Pennsylvania 19103

## 1 APPEARANCES:

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ESQUIRE

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Representing the Plaintiff

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(609) 924-9099

Representing Dr. Stephanie

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Reynolds and Dr. Trevor Talbert

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BY: TERESA K. GIERLA, ESQUIRE

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West Ridge Building A

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Eatontown, NJ 07724

(732)542-0084

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Representing Dr. David Hyppolite

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ORLOVSKY, MOODY, SCHAAFF &  
GABRYSIK

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BY: JAMES H. MOODY, ESQUIRE

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(732)222-6200

Representing the Parker Clinic

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1 APPEARANCES (cont.'d):

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BY: HENRY P. BUTEHORN, ESQUIRE

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4000 Route 66

5 Tinton Falls, NJ 07753

(732) 922-300

6 Representing Riverview Medical  
Center

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1                   (It is hereby stipulated and  
2                   agreed by and among counsel that  
3                   signing, sealing, filing and  
4                   certification are waived; and that  
5                   all objections, except as to the  
6                   form of the question, will be  
7                   reserved until the time of trial.)

8                   -   -   -

9                   (Prior to the start of the  
10                  deposition, Exhibit Sullivan-1 was  
11                  marked for identification.)

12                  -   -   -

13                  DR. TIMOTHY SULLIVAN, after  
14                  having been duly sworn, was  
15                  examined and testified as follows:

16                  -   -   -

17                  DIRECT EXAMINATION

18                  -   -   -

19       BY MR. LENZA:

20                  Q.       Sir, can I have your name  
21       for the record?

22                  A.       Sure.   Timothy Patrick  
23       Sullivan.

24                  Q.       And an address?   You can use

1 A. Yes.

2 Q. Second, if for any reason  
3 you don't understand my question, please  
4 let me know and I will rephrase it. If  
5 you answer my question, I'll assume that  
6 you understood it.

7 Is that okay?

8 A. Yes.

9 Q. And you are under oath to  
10 tell the truth.

11 Do you understand that?

12 A. Yes.

13 Q. Sir, are you a licensed  
14 physician in the state of New Jersey?

15 A. Yes, I am.

16 Q. When were you so licensed?

17 A. Initial license was 1977 and  
18 continuous since then.

19 Q. And sir, can you give me a  
20 brief summary of your medical training  
21 and experience?

22 A. Sure. Undergraduate  
23 training was at St. Peter's College in  
24 Jersey City. I received my medical



1 degree from George Washington University  
2 in Washington D.C.

3 My first year of surgical  
4 residency was at George Washington  
5 University Hospital. My residency for  
6 otolaryngology was at the Washington  
7 Hospital Center. In the '70s that was an  
8 independent program that has since been  
9 absorbed into the Georgetown program.

10 Q. And sir, are you board  
11 certified in any field?

12 A. I'm board certified in  
13 otolaryngology.

14 Q. What year were you  
15 certified?

16 A. 1977.

17 Q. Did you have to become  
18 recertified at any point?

19 A. No. I am technically  
20 grandfathered and the Board requires  
21 50 hours of continuing education credits  
22 per year which is identical to what the  
23 State of New Jersey requires for  
24 maintaining a license.

1           Q.     And for the year 2006 were  
2     you up to date with all of your  
3     requirements for board certification?

4           A.     Yes.

5           Q.     And sir, currently, do you  
6     have a private office where you practice  
7     otolaryngology?

8           A.     No.

9           Q.     I ask that you let me finish  
10    my question and slow down a second. It  
11    makes it easier for the court reporter.

12                   Do you currently practice  
13    medicine?

14          A.     No.

15          Q.     When was the last time you  
16    practiced?

17          A.     I'm sorry. Let me correct  
18    that. I volunteer. I don't have an  
19    active medical office. I volunteer my  
20    services at the Parker Clinic one day a  
21    month.

22                   My current occupation is as  
23    medical director for Horizon Blue  
24    Cross/Blue Shield in Newark.

## 1 CERTIFICATE

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I HEREBY CERTIFY that the witness was duly sworn by me and that the deposition is a true record of the testimony given by the witness.

It was requested before completion of the deposition that the witness, DR. TIMOTHY SULLIVAN, have the opportunity to read and sign the deposition transcript.

-----  
Beth Ann Sauro, a  
Professional Shorthand Reporter  
and Notary Public in and for the  
State of New Jersey  
Dated: September 1, 2009

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

INES LOMANDO, as : CIVIL ACTION  
Administratrix Ad :  
Prosequendum of the Estate :  
of LAURA LOMANDO, deceased, :

Plaintiff(s) : NO.  
: 3:08-CV-  
: 04177-FLW-  
v. : TJB

THE UNITED STATES OF :  
AMERICA, STEPHANIE :  
REYNOLDS, M.D., TREVOR :  
TALBERT, M.D., DAVID :  
HYPPOLITE, M.D., PARKER :  
FAMILY HEALTH CENTER, :  
RIVERVIEW MEDICAL CENTER, :  
EMERGENCY PHYSICIAN :  
ASSOCIATES NORTH JERSEY, :  
PC, JOHN DOE #1 through #5, :  
MARY MOE #1 through #5 :  
(fictitious names :  
representing unknown :  
physicians, nurses, :  
technicians, medical :  
groups, medical facilities :  
and/or other medical :  
providers who participated :  
in the medical care of the :  
plaintiff)m, jointly, :  
severally and in the :  
alternative, :

Defendant(s) :

June 19, 2009

(Continued)

Oral deposition of DR. ZAVEN  
 AYANIAN, taken pursuant to notice, was  
 held at the law offices of Ronan, Tuzzio  
 & Giannone, One Hovchild Plaza, 4000  
 Route 66, Tinton Falls, New Jersey 07753,  
 beginning at 10:10 a.m., on the above  
 date, before Beth Ann Sauro, a  
 Professional Shorthand Reporter and  
 Notary Public in and for the State of  
 New Jersey.

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(609)924-9099

Representing Dr. Stephanie

Reynolds, Dr. Trevor Talbert and

Emergency Physician Associates

North Jersey, PC

## INDEX

Testimony of: DR. ZAVEN AYANIAN

By Mr. Lenza 7

## EXHIBITS

| NO. | DESCRIPTION                                       | PAGE |
|-----|---|------|
| P-1 | Parker Clinic Medical<br>Records of Laura Lomando | 7    |

| Page 6   | Page 8   |
|--|--|
| <p>1           - - -</p> <p>2           DEPOSITION SUPPORT INDEX</p> <p>3           - - -</p> <p>4</p> <p>5   Direction to Witness Not to Answer</p> <p>6   Page Line   Page Line   Page Line</p> <p>7   None</p> <p>8</p> <p>9</p> <p>10   Request for Production of Documents</p> <p>11   Page Line   Page Line   Page Line</p> <p>12   None</p> <p>13</p> <p>14</p> <p>15   Stipulations</p> <p>16   Page Line   Page Line   Page Line</p> <p>17   None</p> <p>18</p> <p>19</p> <p>20   Question Marked</p> <p>21   Page Line   Page Line   Page Line</p> <p>22   None</p> <p>23</p> <p>4</p>   | <p>1   Z-A-V-E-N, middle initial S.</p> <p>2   <b>Q. And your address, Doctor?</b></p> <p>3   <b>It could be your business address or</b></p> <p>4   <b>something else.</b></p> <p>5       MS. SHELTON: I'm going to</p> <p>6       ask that you use the US Attorneys</p> <p>7       Office's address which is 402 East</p> <p>8       State Street, 4th Floor, Trenton,</p> <p>9       New Jersey 08608.</p> <p>10   BY MR. LENZA:</p> <p>11   <b>Q. Good morning, Doctor. My</b></p> <p>12   <b>name is Anthony Lenza. I represent the</b></p> <p>13   <b>plaintiff in this matter.</b></p> <p>14       <b>How are you this morning?</b></p> <p>15       A. I'm sorry?</p> <p>16       <b>Q. How are you this morning?</b></p> <p>17       A. I'm fine, thank you.</p> <p>18       <b>Q. Have you ever had your</b></p> <p>19   <b>deposition taken before?</b></p> <p>20       A. Once.</p> <p>21       <b>Q. Was that in a setting of a</b></p> <p>22   <b>mal-practice case?</b></p> <p>23       A. Yes.</p> <p>24       <b>Q. And how long ago was that?</b></p>   |
| Page 7   | Page 9   |
| <p>1           (It is hereby stipulated and</p> <p>2           agreed by and among counsel that</p> <p>3           signing, sealing, filing and</p> <p>4           certification are waived; and that</p> <p>5           all objections, except as to the</p> <p>6           form of the question, will be</p> <p>7           reserved until the time of trial.)</p> <p>8           - - -</p> <p>9           (Whereupon, prior to the</p> <p>10          start of the deposition Exhibit</p> <p>11          P-1 was marked for</p> <p>12          identification.)</p> <p>13          - - -</p> <p>14          DR. ZAVEN AYANIAN, after</p> <p>15          having been duly sworn, was</p> <p>16          examined and testified as follows:</p> <p>17          - - -</p> <p>18          DIRECT EXAMINATION</p> <p>19          - - -</p> <p>20          <b>Q. Good morning, Doctor.</b></p> <p>21          A. Good morning.</p> <p>22          <b>Q. Doctor, would you state your</b></p> <p>23   <b>name for the record?</b></p> <p>24          A. Zaven Ayanian, A-Y-A-N-I-A-N</p> | <p>1          A. I don't remember, but it was</p> <p>2          maybe 25 years, 30 years ago. Maybe more</p> <p>3          like 25. 25 years ago.</p> <p>4          <b>Q. Doctor, I'm going to give</b></p> <p>5   <b>you some ground rules. I ask that you</b></p> <p>6   <b>follow them.</b></p> <p>7          <b>First, because the court</b></p> <p>8   <b>reporter is taking down everything we</b></p> <p>9   <b>say, all of your answers have to be</b></p> <p>10   <b>verbal. She can't take down gestures of</b></p> <p>11   <b>the hands or nods of the head.</b></p> <p>12          <b>Do you understand that?</b></p> <p>13          A. I understand.</p> <p>14          <b>Q. Second, if for any reason</b></p> <p>15   <b>you don't understand my question, please</b></p> <p>16   <b>let me know. If you answer my question,</b></p> <p>17   <b>I'll assume that you understood it.</b></p> <p>18          <b>And is that okay?</b></p> <p>19          A. Yes.</p> <p>20          <b>Q. Please keep up your voice up</b></p> <p>21   <b>as to let all the attorneys hear your</b></p> <p>22   <b>answers so that we don't have to do read</b></p> <p>23   <b>backs with the court reporter.</b></p> <p>24          <b>Is that okay?</b></p> |

Page 10

Page 12

1 A. Yes.

2 **Q. Doctor, are you a physician**  
3 **licensed to practice medicine in the**  
4 **state of New Jersey?**

5 A. I am.

6 **Q. Doctor, when were you so**  
7 **licensed?**

8 A. 1963.

9 **Q. Can you give me a brief**  
10 **summary of your educational background**  
11 **and medical training?**

12 A. I graduated from Syracuse  
13 University with a BA. I was in the  
14 service after that during the Korean War,  
15 and then went to medical school after  
16 that at the State University of New York,  
17 Syracuse. I graduated in 1959.

18 **Q. Did you perform any**  
19 **residencies?**

20 A. I did.

21 **Q. Where was that?**

22 A. At the Guthrie Clinic,  
23 Packer -- Robert Packer Hospital in  
4 Sayre, Pennsylvania.

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1 I did a rotating internship  
2 for one year and then followed that with  
3 three years of residency in internal  
4 medicine.

5 **Q. Are you board certified in**  
6 **any field?**

7 A. I am, internal medicine.

8 **Q. When did you first become**  
9 **board certified in internal medicine?**

10 A. 1976.

11 **Q. Did you ever have to take**  
12 **that test again?**

13 A. No.

14 **Q. Are you grandfathered in so**  
15 **to speak?**

16 A. No, I took the test.

17 **Q. Are you currently certified?**

18 A. I am.

19 **Q. You've been board certified**  
20 **in internal medicine since 1976?**

1 A. Yes.

22 **Q. After obtaining your license**  
23 **to practice medicine, what did you do**  
24 **next professionally?**

1 A. I joined a small group,  
2 mixed group, in Matawan, New Jersey.

3 **Q. Did you practice internal**  
4 **medicine?**

5 A. I did, yes.

6 **Q. Have you practiced in any**  
7 **other field of medicine besides internal**  
8 **medicine?**

9 A. No.

10 **Q. Can you, Doctor, tell me the**  
11 **locations where you have practiced**  
12 **medicine since that first office in**  
13 **Matawan, New Jersey?**

14 A. The only other location is  
15 at the Parker Clinic in Red Bank.

16 **Q. Do you still practice in**  
17 **Matawan?**

18 A. I do not.

19 **Q. When was the last time you**  
20 **practiced at that office?**

21 A. 1998.

22 **Q. Would it be fair to say that**  
23 **when you practiced at that office in**  
24 **Matawan, New Jersey, that was your**

1 **full-time employment position?**

2 A. Yes.

3 **Q. When did you start seeing**  
4 **patients at the Parker Clinic?**

5 A. I don't remember exactly.  
6 However, I think it was in 1999 or  
7 possibly 2000, early 2000. Sometime  
8 around that time.

9 **Q. And would I be accurate in**  
10 **saying, Doctor, that you retired from**  
11 **your full-time position at the Matawan**  
12 **office?**

13 A. Yes. Matawan Medical  
14 Associates was the name of that practice.

15 **Q. And whether it was 1999 or**  
16 **the year 2000, how did it come about that**  
17 **you started seeing patients at the Parker**  
18 **Clinic?**

19 A. Well, that was in the early  
20 days of the clinic. They were looking  
21 for physicians and my name had been  
22 brought up or suggested. And I went down  
23 and met with Mary Nicosia. She was the  
24 nurse practitioner, the administrator, of

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1 the clinic. And we decided that I would  
2 put some time in there as a volunteer.

3 **Q. When you began volunteering**  
4 **your time at the Parker Clinic, how many**  
5 **hours a week did that entail?**

6 A. I usually worked, like,  
7 maybe five hours or six hours when I  
8 worked. It could be weekly or it could  
9 be every other week.

10 **Q. Has that same frequency of**  
11 **time at the Parker Clinic been the same**  
12 **since when you first began?**

13 A. Yes.

14 **Q. And currently, do you still**  
15 **see patients at the Parker Clinic?**

16 A. I do.

17 **Q. Now, what is your**  
18 **understanding of what the Parker Clinic**  
19 **is?**

20 A. It's a clinic designed to  
21 serve uninsured, medically uninsured,  
22 patients. We see them free of charge.  
23 We provide their prescriptions for them  
24 free of charge, except for a \$10 co-pay.

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1 And we do no billing to any governmental  
2 or insurance facility.

3 **Q. When you say that you**  
4 **volunteer your time, do you receive any**  
5 **compensation in any form from the Parker**  
6 **Clinic?**

7 A. I do not.

8 **Q. When you see patients at the**  
9 **Parker Clinic, do you still have a**  
10 **physician-patient relationship with them?**

11 A. I do.

12 **Q. How would it come about that**  
13 **you would see patients at the Parker**  
14 **Clinic? Meaning are they by appointment**  
15 **or just the day that you're sitting**  
16 **there?**

17 A. Both.

18 MS. SHELTON: Objection to  
19 the form. Would you rephrase it,  
20 please?

1 BY MR. LENZA:

2 **Q. Doctor, when you see**  
3 **patients at the Parker Clinic, do you see**  
4 **patients by appointment?**

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1 A. I do.

2 **Q. And do you also see patients**  
3 **just as walk-in patients?**

4 A. I do.

5 **Q. What would be the**  
6 **circumstances where you would see a**  
7 **patient by appointment?**

8 A. We have a system there to  
9 attempt to produce a continuous  
10 relationship with the same physician  
11 whenever possible so that the patient has  
12 continuity.

13 The other patients that we  
14 see without appointments are usually  
15 patients who walk in and they are triaged  
16 by a nurse, or a nurse practitioner. And  
17 then they are assigned to whichever  
18 physician is available at that time for  
19 more definitive care.

20 **Q. Doctor, hypothetically, if**  
21 **you saw a patient and you directed her to**  
22 **have a follow-up visit at the Parker**  
23 **Clinic, would that be a situation that**  
24 **you may have an appointment for the**

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1 **patient?**

2 A. Yes and no. It depends on  
3 when I felt the patient should be seen  
4 for a follow-up visit.

5 If I felt the patient should  
6 be seen more quickly than I could see the  
7 patient -- in other words, if I thought  
8 the patient should come back in four or  
9 five days and I'm not going to be there  
10 for a week, then I would tell them to  
11 come in in four or five days and see  
12 another physician.

13 If at all possible I would  
14 make an effort to have them see me at the  
15 next time I was going to be in the  
16 clinic.

17 **Q. Doctor, did you review any**  
18 **records in preparation of your testimony**  
19 **today?**

20 A. Yes, I did.

21 **Q. What records did you review?**

22 A. I reviewed the records that  
23 I have here, which I presume are photo  
24 copies of the record that's been entered



1 THE WITNESS: It could.  
 2 BY MR. LENZA:  
 3 **Q. Did you take any steps at**  
 4 **that point on August 23, 2006, to rule**  
 5 **out the possibility of lymphoma?**  
 6 MR. MOODY: Objection to the  
 7 form.  
 8 THE WITNESS: I answered  
 9 this question a couple times  
 10 earlier.  
 11 You do that with a biopsy.  
 12 There's no other test.  
 13 BY MR. LENZA:  
 14 **Q. I apologize, Doctor. I**  
 15 **think you did.**  
 16 **Thank you for your time,**  
 17 **Doctor.**  
 18 A. Thank you.  
 19 MS. SHELTON: We're done  
 20 here?  
 21 MR. MOODY: We're all done.  
 22  
 23 (Witness excused.)  
 24

1 (Deposition concluded at  
 2 approximately 11:29 a.m.)  
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# 1 CERTIFICATE

2  
 3  
 4 I HEREBY CERTIFY that the  
 5 witness was duly sworn by me and that the  
 6 deposition is a true record of the  
 7 testimony given by the witness.

8 It was requested before  
 9 completion of the deposition that the  
 10 witness, DR. ZAVEN AYANIAN, have the  
 11 opportunity to read and sign the  
 12 deposition transcript.

13  
 14 Beth Ann Sauro, a  
 15 Professional Shorthand Reporter  
 16 and Notary Public in and for the  
 17 State of New Jersey.  
 18 Dated: June 22, 2009  
 19  
 20  
 21  
 22  
 23  
 24

(The foregoing certification  
 of this transcript does not apply to any  
 reproduction of the same by any means,  
 unless under the direct control and/or  
 supervision of the certifying reporter.)

# 1 INSTRUCTIONS TO WITNESS

2  
 3 Please read your deposition  
 4 over carefully and make any necessary  
 5 corrections. You should state the reason  
 6 in the appropriate space on the errata  
 7 sheet for any corrections that are made.

8 After doing so, please sign  
 9 the errata sheet and date it.

10 You are signing same subject  
 11 to the changes you have noted on the  
 12 errata sheet, which will be attached to  
 13 your deposition.

14 It is imperative that you  
 15 return the original errata sheet to the  
 16 deposing attorney within 30 (30) days of  
 17 receipt of the deposition transcript by  
 18 you. If you fail to do so, the  
 19 deposition transcript may be deemed to be  
 20 accurate and may be used in court.  
 21  
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